

## גר שמל ולא טבל הרב שרגא נויברגר

In this shiur, we will discuss an interesting case, albeit unlikely, which has a direct connection to the *geirus* of Avrohom Avinu and how to understand it.

The *posuk* tells us that Avrohom Avinu performed *milah* on himself, Yishmael, and “*kol anshei beiso*.” The *anshei beis Avrohom* were the *geirim* that *Rambam* explicitly talks about in the first *perek* of *Hilchos Avoda Zara*. He calls them the *alfei revavos* that Avraham Avinu was *mekarev*. He writes that Avraham also gave them *milah*. I cannot find a *mekor* that these people had *tevilah* as well. It is quite possible that they only had a *milah* and were not *tovel* because it was before *Matan Torah* and there was no full *Kedushas Yisroel* extant. My assumption is that Avrohom Avinu made *milah* for them but not *tevilah*.

What was the status of these people for whom *milah* alone was sufficient?

The *gemara* in *Avoda Zara 10b* tells the story of a *ger* named *Ketiya bar Shalom* who told the Caesar that it's not possible to destroy the *Yidden*. He was sentenced to death because of this, but before he was executed he quickly gave himself a *milah*. Then a *bas kol* called out that he was *zoche* to *Olam Haba*.

R. Yosef Engel writes in *Gilyonei HaShas* on this *gemara* and points out that *lich'ora Ketiya bar Shalom* didn't have time to do a full *geirus* as he did not go to the *mikvah* after his *milah*. Nevertheless, it sounds from the *Chazal* that his *milah* accomplished something. The question is, what did it accomplish? Especially according to the *Riva al haTorah* on this week's *parsha*, which R. Yosef Engel cites, who explains that Avrohom Avinu did not give himself *milah* until Hashem commanded him to because he did not want to be *chovel b'atzmo*. R. Yosef Engel isn't clear if the *Riva* holds there is an actual *issur* in *chovel b'atzmo* or if Avrohom simply felt that it wasn't proper to do unless commanded to.

We find a similar idea in *Meshech Chochmo* by the story of Shimon and Levi killing out Shechem. R. Meir Simcha wants to learn the reason they killed Shechem was because Shechem's *milah* was *lo lishma* (they only performed it in order to marry into the *Shevatim*, not because of *kabolas ol Malchus Shomayim*) and they were therefore *chayiv misah* for being *chovel b'atzmom*.

(Of course, there are other *teirutzim* to this question. The Brisker Rov learns that the whole *bris* could only be with a *tzivuy* and since Shechem did not have such a *tzivuy* they were *chayiv misa*.)

Nonetheless, R. Yosef Engel remains with a *tzorich iyun* that if there is indeed a *chiyuv* for *chovel b'atzmo* by a *ben Noach*, how could *Ketiyah bar Shalom* be lauded for his *milah* [post-*Matan Torah*] that did not have with it a *tevila*?

*Poras Yosef* discusses that maybe he did indeed have a *tevila* as well, but it doesn't seem this way from the *ma'aseh* itself and the *gemara* gives no indication that this was the case. Therefore, we will go with R. Yosef Engel's *hanocho* that *Ketiyah bar Shalom* had *milah* without *tevila*.

There is another *Gilyonei HaShas* in *Yevamos* which R. Yosef Engel does not connect to this one. On 41a the *gemara* talks about how a *geirus* is not complete until both a *milah* and a *tevilah* are accomplished. R. Yosef Engel examines what the necessity is for the *ger* to do both *milah* and *tevilah*. He tries to bring proofs to the *yesod* that first the *milah* is to take off the *shem akum*, to become *ois goy*, and the *tevilah* is give him *dinim* of *Yisroel*. He writes that he later saw this *yesod* in a *Teshuvah Radvaz* and describes his excitement as “*sisu mei'ay sisu*,” in being *mechaven* to it. The *Radvaz* even adds a *chiddush* that such a *ger*, who stopped short of *tevilah*, would not have a *din* of *stam yeinom* because his *milah* removed him from the status of an *akum*.

According to the *Radvaz*, maybe we can say that *Ketiyah bar Shalom* was *zoche* to *Olam Haba* because he had a *mitzvas geirus* from making himself *ois goy*, even though he didn't become a *yid*. Maybe

this is why he was not *chayiv* for *chovel b'atzmo*. On the other side, maybe R. Yosef Engel holds that the *milah* doesn't accomplish anything without the *tevilah*.

Let us now discuss the *halachic* implications of such a person *bizman hazeh* who changes his mind about being *megayer* after getting a *milah*. The *milah* was fully *lishmo* but he refuses the *tevilah* because of second thoughts. What would be the status of this person?

The *Rambam* writes in *Hilchos Melachim 10: 3* that a *ben Noach* who undergoes a full *milah* and *tevilah geirus* and then later changes his mind and wants to revert to his former *ger toshav* ways, we do not listen to him. There is no backing out and he is a full *yid*. R. Dovid'le Karliner writes in *Yad Dovid (Hilchos Ishus)* that it is *mevu'ar* from this *Rambam* the only reason this person cannot back out is because he was *mol v'tuval*. However, if he only had *milah* with *kabolas ol mitzvos* he can still change his mind.

The *Radvaz* would seemingly agree to the *Yad Dovid* about this. Even though he was *motzi* himself from *shem akum* he never became of *yid* and therefore can still back out. It doesn't make sense to say that he has zero *mitzvos* because he's not a *goy* but also not a *yid*. Rather, he is still *chayiv* in the *zayin mitzvos Bnei Noach* just the same as he was before. The only way to remove that *chiyuv* is through a full *geirus* in being *mekabel* the *taryag mitzvos*.

However, there is *gemara* in *Yevamos 71a* which needs to bring a *posuk* to exclude a *mol v'lo tuval* from *korban pesach*. The *Rashba* asks why the *posuk* is necessary if the person is still a non-Jew. Even with the *milah* he is still an *akum* and not *chayiv* in *korban pesach*. *Rashba* answers that because his *milah* was *lishmo*, even though he wasn't *tuval*, he still enters to *das yehudis* slightly. Since he is now a *shtickle yid*, we need the *posuk* to show that he is still *patur* from *korban pesach*.

The question is, what does the *Rashba* hold? Does he really think that *mol v'lo tuval* is a *shtickle yid*? R. Chaim Ozer in *Chelek Gimmel* writes that it is *poshut* to him that the *Rashba* was only *l'fi* the *hava amina* of the *gemara*. Certainly, according to the *maskana* he holds that there is no such thing as *geirus lachatzoin*. However, R. Meir Simcha learns that the *Rashba* learns this way even *aliba d'emes*. He learns that the *mol v'lo tuval* of the *Rashba* is different than that of the *Radvaz*.

The *Radvaz* learns that it is clear that such a person is *nisht ken yid*, as well as not being a regular *goy*. R. Meir Simcha learns the *Rashba* as holding that he is a *shtickle yid* and the *milah* brings him across the threshold of becoming a *yid*. As such, maybe he is *chayiv* in *korban pesach*? Comes to *gemara* with a *posuk* to teach us that he isn't.

If we had to, going in R. Meir Simcha's *teitch* of the *Rashba*, maybe we can compare this person to an *eved k'nani*. An *eved k'nani* has *kedushas Yisroel* but not fully. He needs a *tevilah* to enter fully. (He already has a *milah*.) The *Pri Megodim* in *siman 156* has a *sofek* if there is a *mitzvah* of "*v'ohavto l'rei'acho kamocho*" on an *eved k'nani*. He has *chiyuv mitzvos* equivalent to an *isha* but not the full *kedushas Yisroel* of an *isha*.

Nevertheless, it is hard to make this *tzu-shtel* because the Torah was *mechadesh* an *eved k'nani* to be *miktzas yid*. By the *mol v'lo tuval*, just because he had a *milah* and *kabolas ol mitzvos* doesn't mean he becomes a *miktzas yid*. Maybe R. Meir Simcha would be *modeh* to the *psak* of the *Radvaz* that his *maga yayin* would not be *assur* but it seems that he's going further than that.

Yet, if indeed he has a *din* of a *miktzas yid*, this would still not cause us to compel him to go forward with the *tevilah b'al korcho*. Just like the *milah* has to be *meiritzono*, so too does the *tevilah*. He must still keep the *zayin mitzvos* but having a slight *kedushas Yisroel* would not be *mechayev* him in anything more.